

**CALENDAR ITEM
C20**

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04/05/16
PRC 6819.1
C. Singleton

**ACCEPTANCE OF A QUITCLAIM DEED AND
ISSUANCE OF A GENERAL LEASE – RECREATIONAL USE**

LESSEE:

Sharon L. Stokes, Trustee of the 2005 Sharon L. Stokes Qualified Personal Resident Trust dated July 7, 2005; and Howard W. Stokes

APPLICANT:

Sienna Partners, LLC, a Nevada limited liability company

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 8381 Meeks Bay Avenue, Meeks Bay, El Dorado County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, boat lift, boat hoist, and two mooring buoys.

LEASE TERM:

10 years, beginning July 30, 2015.

CONSIDERATION:

\$1,110 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

STAFF ANALYSIS AND RECOMMENDATION:

Statutory Authority:

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, Title 2, section 2000, subdivision (b).

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Public Trust and State's Best Interests Analysis:

The subject facilities are for the docking and mooring of boats. Recreational boating is a water-dependent use that is generally consistent with the common law public trust doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of public trust lands (Pub. Resources Code, § 6503.5).

The subject facilities have existed for many years at this location. The pier is built on a steep and rocky part of the shore. The upland houses are tightly packed. The topography and upland structures restrict the available uses of the proposed lease area. The buoys are located directly lakeward of the upland property and occupy a relatively small area of the lake.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 10-year term, does not grant the lessee exclusive rights to the lease premises, and reserves an easement to the public for access to and across the lease premises. Upon termination of the lease, the Lessee may be required to remove all improvements from State land.

The proposed lease requires the lessee to insure the lease premises and indemnify the State for any liability incurred as a result of the lessee's activities thereon. The lease also requires the payment of annual rent to compensate the people of the State for the use of public land. For all the reasons above, Commission staff believes the issuance of this lease is consistent with the common law public trust doctrine, will not substantially interfere with public trust needs at this location, at this time, and for the foreseeable term of the proposed lease, and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On April 6, 2010, the Commission authorized a Recreational Pier Lease to Sharon L. Stokes, Trustee of the 2005 Sharon L. Stokes Qualified Personal Resident Trust dated July 7, 2005; and Howard W. Stokes. That lease will expire on April 27, 2018. On July 30, 2015, ownership of the upland parcel was deeded to Sienna Partners, LLC, a Nevada limited liability company. The Applicant is now applying for a General Lease – Recreational Use.

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3. The Lessee executed a quitclaim deed releasing its interest in the Lease. Staff recommends acceptance of the quitclaim deed and issuance of a new lease.
4. On September 14, 1992, the Tahoe Regional Planning Agency (TRPA) issued a permit for the repair of the pier, installation of a boat lift, and use of two mooring buoys adjacent to the upland parcel. The TRPA permit is currently valid.
5. This action is consistent with Strategy 1.3 of the Commission's Strategic Plan to protect, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways, and Strategy 1.1 to deliver the highest levels of public health and safety in the protection, preservation and responsible economic use of the lands and resources under the Commission's jurisdiction.
6. Acceptance of the quitclaim deed is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378, subdivision (b)(5).

7. The staff recommends that the Commission find that the issuance of a lease is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C20** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that issuance of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the public's public trust needs and values at this location, is consistent with the common law public trust doctrine, and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize acceptance, effective July 29, 2015, of a quitclaim deed for Lease No. PRC 6819.9, a Recreational Pier Lease, issued to Sharon L. Stokes, Trustee of the 2005 Sharon L. Stokes Qualified Personal Resident Trust dated July 7, 2005; and Howard W. Stokes.
2. Authorize issuance of a General Lease – Recreational Use to Sienna Partners, LLC, a Nevada limited liability company, beginning July 30, 2015, for a term of 10 years, for the continued use and maintenance of an existing pier, boat lift, boat hoist, and two mooring buoys, as described in Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; annual rent in the amount of \$1,110 with an annual Consumer Price Index adjustment; and liability insurance in the amount of \$1,000,000 per occurrence.

EXHIBIT A

PRC 6819.1

LAND DESCRIPTION

Three (3) parcels of submerged land situate in the bed of Lake Tahoe, lying adjacent to Lot 3 fractional Section 29, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California, and more particularly described as follows:

PARCEL 1-- PIER

All those lands underlying an existing pier, one (1) boat lift, one (1) boat hoist and one (1) catwalk lying adjacent to those Parcels described in that Grant Deed recorded July 30, 2015 in Document Number 2015-0035758 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCEL 2, 3 -- BUOYS (2)

Two (2) circular parcels of land, being 50 feet in diameter, underlying two (2) existing buoys lying adjacent to those parcels as described in said Grant Deed.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared November 21, 2015 by the California State Lands Commission Boundary Unit.





TAHOE

LAKE

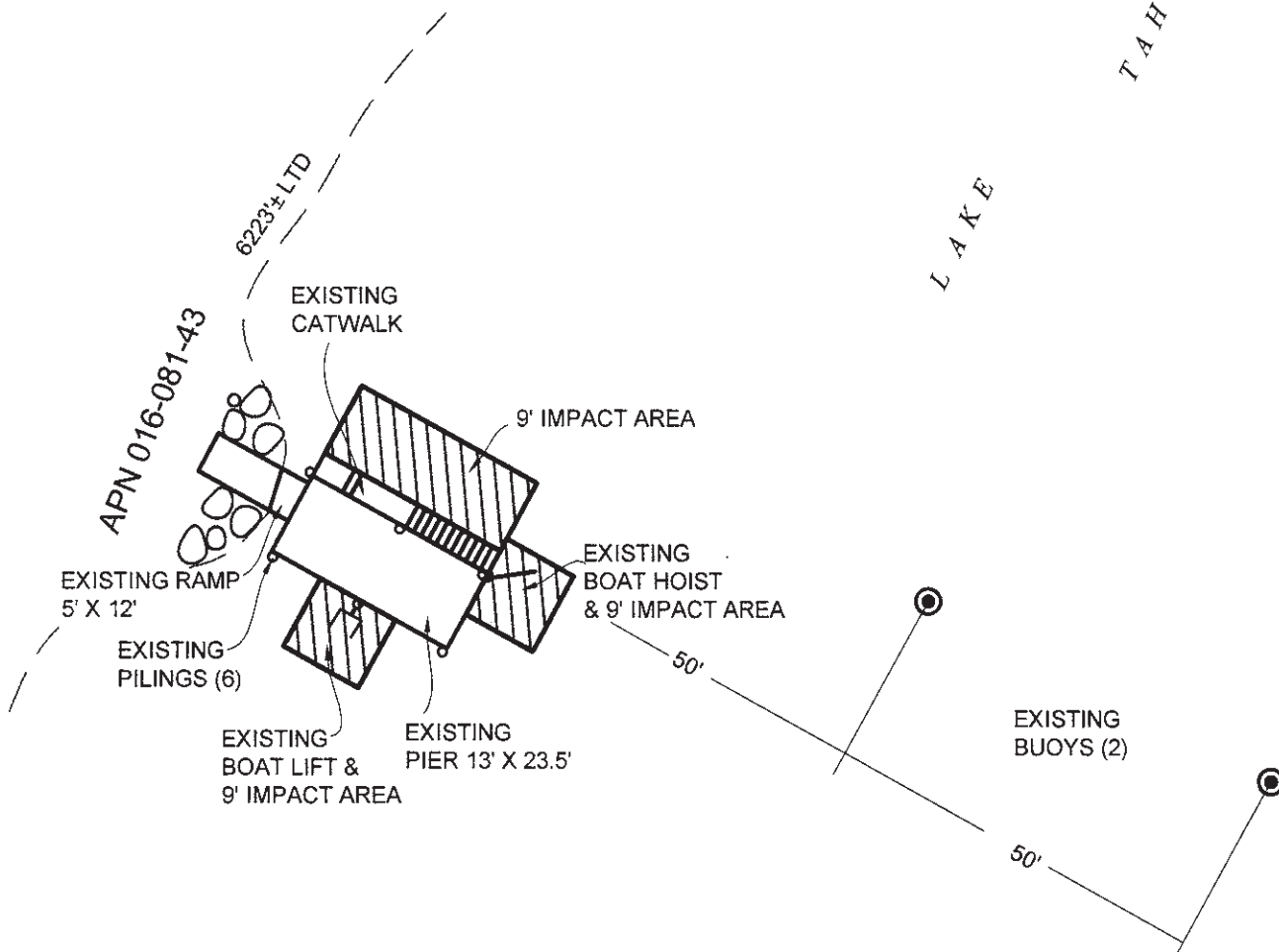


EXHIBIT A

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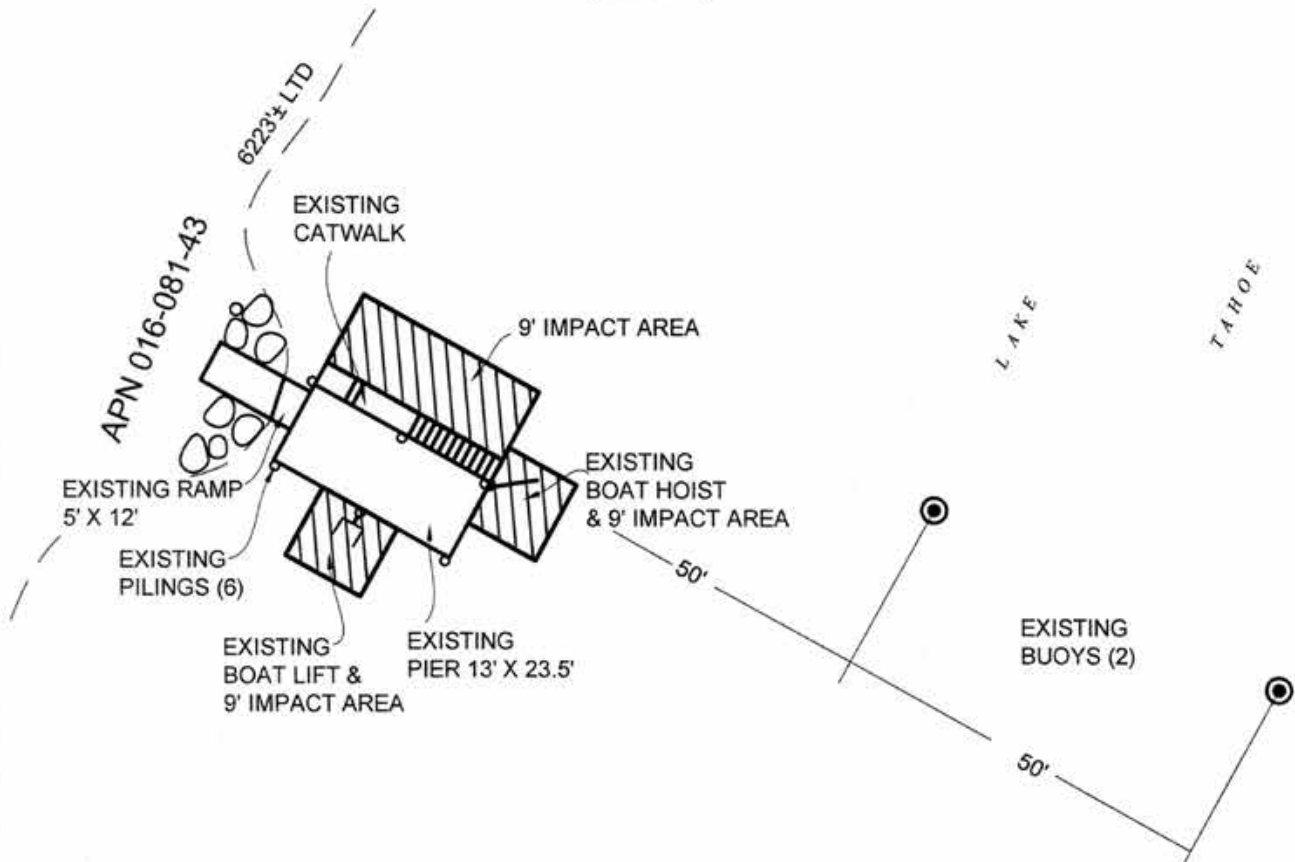
LAND DESCRIPTION PLAT
PRC 6819.1, SIENNA PARTNERS, LLC
EL DORADO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

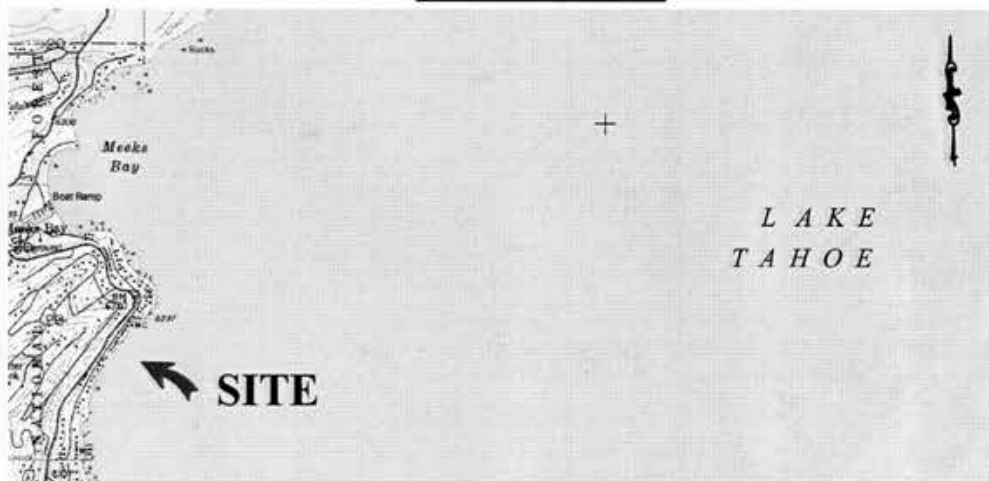
SITE



8381 MEEKS BAY AVENUE, NEAR MEEKS BAY

NO SCALE

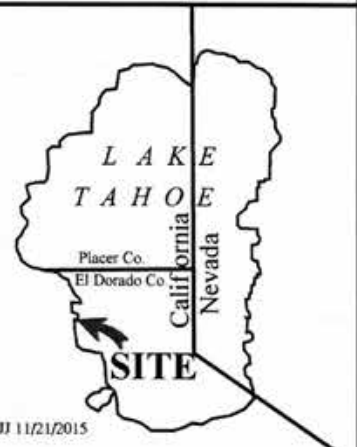
LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6819.1
SIENNA PARTNERS, LLC
APN 016-081-43
GENERAL LEASE -
RECREATIONAL USE
EL DORADO COUNTY



MJJ 11/21/2015

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.